IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL No.1303 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 16-07-2004 in W.P.No.12378 of 2004 on the file of the High Court.)

Between:

M.Parvathi, W/o.M.Parappa,
R/o.Illuru village, Garlandinna Mandal,
Anantapur Dist.

..... APPELLANT

AND

1. Revenue Divisional officer, Anantapur
2.The M.R.O.,Garladinne Mandal, Ananthapur Dist.
3.Smt.B.Vimala Kumari, W/o.Polaiah,
R/o.Illuru Village, Garladinne (M),
Anantapur Dist.

(R3 is impleaded as per Court order **.....RESPONDENTS.**

dt.19.8.2004 in WAMP.No.2339 of 2004)

Counsel for the Appellant: Mr.O.MANOHER REDDY

Counsel for the Respondents 1 and 2: GOVT.PLEADER FOR

CIVIL SUPPLIES

The Court made the following :

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ORAL JUDGMENT: (per the Hon'ble the Chief Justice)

In this appeal, petitioner-appellant is questing the order dismissing writ petition. Admittedly, appellant was appointed as a temporary fair price shop dealer of Illuru village, Garladinne Mandal, Anantapur District. Since permanent fair price shop dealer has tendered his resignation, petitioner was appointed as temporary dealer. Such appointment was made pursuant to the order dated 20-10-1997. As such, petitioner continues to run the shop only as a temporary fair price shop dealer. Admittedly, she was not appointed as a dealer under the Rules/Orders governing the public distribution system. A.P. Public Distribution System (Control) Order, 2001 came into force with effect from 6-5-2002 which provided that all fair price shop dealers who were already appointed as dealers shall pay the fees as prescribed under the Control Order 2001 and obtain fresh authorization within a period of three months from the date of publication of the notification in the Andhra Pradesh Gazette. It appears that petitioner was issued such authorization till 31-3-2005 and without cancelling temporary authorization, respondents initiated action for appointment of a permanent fair price shop dealer and issued proceedings inviting applications. Petitioner also was one of the candidates who participated in the proceedings for being appointed as a permanent fair price shop dealer under the Control Order 2001. All the candidates were called to attend the interview on 9-7-2004 and petitioner was also called. Writ Petition was filed on 15-7-2004 by writ petitioner on the ground that since her authorization was valid till 31-3-2005, the action of the respondents in inviting applications for filling up of the vacancy for permanent fair price shop dealer is bad and sought for a direction to the respondents to continue her.

Learned single Judge dismissed writ petition on the ground that her appointment

order dated 28-9-1998 is only appointing her on temporary basis and, therefore, that appointment order will not come in the way of the respondents in making permanent appointment of fair price shop dealer.

Proviso to Clause 5 of Control Order 2001 also makes it clear that only those dealers who are entitled to be continued are permanent dealers and not temporary. Petitioner not being appointed as permanent dealer has no right and she has not questioned the action of the respondents in making appointment to the permanent dealer.

Learned Govt. Pleader for Civil Supplies submits that petitioner has not questioned the proceedings for appointment of permanent dealer. Petitioner having participated in the selection process, is questioning the very process which has been initiated by the respondents for making permanent appointment. He also submits that by proceedings dated 19-7-2004 of the Revenue Divisional Officer, Anantapur, her candidature has been rejected.

A dealer appointed temporarily cannot question the permanent appointment. Wherever there are temporary dealers, the respondents can initiate steps for making appointment on permanent basis. At the most, petitioner will be entitled to continue as dealer till her authorization subsists or till a permanent dealer is appointed, whichever is earlier.

Writ Appeal is dismissed.

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(DEVINDER GUPTA, C.J.)

30th August 2004.

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(C.V.RAMULU, J.)

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To

1. Revenue Divisional officer, Anantapur
2.The M.R.O.,Garladinne Mandal, Ananthapur Dist.
3.Two C.Cs. to Govt.Pleader for Civil Supplies, High Court Bldgs., Hyderabad (OUT).

4.Two C.D. copies.